and Improvement Financing program if the Secretary [of Transportation] determines such project meets the requirements of sections 502 and 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 [45 U.S.C. 822, 823].''

Pub. L. 109–59, title I, § 1307, Aug. 10, 2005, 119 Stat. 1217, as amended by Pub. L. 110–244, title I, § 102(b), (c), June 6, 2008, 122 Stat. 1577, provided that:

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs'—

''(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

''(B) includes the costs of preconstruction planning activities.

''(2) FULL PROJECT COSTS.—The term 'full project costs' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

''(3) MAGLEV.—The term 'MAGLEV' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

''(4) STATE.—The term 'State' has the meaning such term has under section 101(a) of title 23, United States Code.

''(b) IN GENERAL.—

''(1) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Secretary [of Transportation] shall make available financial assistance to pay the Federal share of full project costs of eligible projects authorized by this section.

''(2) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects authorized by this section.

''(3) APPLICABILITY OF OTHER LAWS.—Financial assistance made available under this section, and projects assisted with such assistance, shall be subject to section 5333(a) of title 49, United States Code.

''(c) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

''(1) involve a segment or segments of a high-speed ground transportation corridor;

''(2) result in an operating transportation facility that provides a revenue producing service; and

''(3) be approved by the Secretary [of Transportation] based on an application submitted to the Secretary by a State or authority designated by one or more States.

''(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary [of Transportation] shall allocate—

''(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

''(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.

''(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) [119 Stat. 1155] shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.''

[Pub. L. 110–244, title I, § 102(d), June 6, 2008, 122 Stat. 1578, provided that: ''The amendments made by this section [amending section 1307 of Pub. L. 109–59, set out above] take effect on October 1, 2007.'']

ADVANCED TECHNOLOGY PILOT PROJECT

Pub. L. 105–178, title III, § 3015(c), June 9, 1998, 112 Stat. 361, as amended by Pub. L. 105–206, title IX, § 9009(k)(1), July 22, 1998, 112 Stat. 857; Pub. L. 108–88, § 8(q), Sept. 30, 2003, 117 Stat. 1125; Pub. L. 108–202, § 9(q), Feb. 29, 2004, 118 Stat. 489; Pub. L. 108–224, § 7(q), Apr. 30, 2004, 118 Stat. 637; Pub. L. 108–263, § 7(q), June 30, 2004, 118 Stat. 708; Pub. L. 108–280, § 7(q), July 30, 2004, 118 Stat. 885; Pub. L. 108–310, § 8(q), Sept. 30, 2004, 118 Stat. 1158; Pub. L. 109–14, § 7(p), May 31, 2005, 119 Stat. 334; Pub. L. 109–20, § 7(p), July 1, 2005, 119 Stat. 356; Pub. L. 109–35, § 7(p), July 20, 2005, 119 Stat. 389; Pub. L. 109–37, § 7(p), July 22, 2005, 119 Stat. 404; Pub. L. 109–40, § 7(p), July 28, 2005, 119 Stat. 420, provided that:

''(1) IN GENERAL.—The Secretary shall make grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

''(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act [112 Stat. 419] for each of fiscal years 1998 through 2004, and for the period of October 1, 2004, through July 30, 2005,, [sic] $5,000,000 per fiscal year and $4,150,685 for such period shall be available to carry out this subsection. Financial assistance made available under this subsection and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.

''(3) FEDERAL SHARE.—The Federal share payable on account of activities carried out using a grant made under this subsection shall be 80 percent of the cost of such activities.''

[Pub. L. 109–35, § 7(p)(1), which directed amendment of Pub. L. 105–178, § 3015(c)(2), set out above, by substituting ''July 21, 2005'' for ''July 19, 2005,'' was executed by making the substitution for ''July 19, 2005'', to reflect the probable intent of Congress.]

[Pub. L. 109–20, § 7(p)(1), which directed amendment of Pub. L. 105–178, § 3015(c)(2), set out above, by substituting ''July 19, 2005'' for ''June 30, 2005,'' was executed by making the substitution for ''June 30, 2005'', to reflect the probable intent of Congress.]

[Pub. L. 108–280, § 7(q), which directed amendment of Pub. L. 105–178, § 3015(c)(2), set out above, by substituting ''2004, $5,000,000 per fiscal year'' for ''2003, and for the period of October 1, 2003, through July 31, 2004 $5,000,000 per fiscal year and $4,142,083 for such period'', was executed by making the substitution for ''2003, and for the period of October 1, 2003, through July 31, 2004, $5,000,000 per fiscal year and $4,142,083 for such period'', to reflect the probable intent of Congress.]

[Pub. L. 108–224, § 7(q)(1), which directed amendment of Pub. L. 105–178, § 3015(c)(2), set out above, by substituting ''June 30, 2004'' for ''April 30, 2004,'' was executed by making the substitution for ''April 30, 2004'', to reflect the probable intent of Congress.]

§ 323. Donations and credits

(a) DONATIONS OF PROPERTY BEING ACQUIRED.—Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been fully informed of his right to receive just compensation for the acquisition of his property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, or a political subdivision of a State, as said person shall determine.

(b) CREDIT FOR ACQUIRED LANDS.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, the State share of the

cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

(A) is lawfully obtained by the State or a unit of local government in the State;

(B) is incorporated into the project;

(C) is not land described in section 138; and

(D) the Secretary determines will not influence the environmental assessment of the project, including—

(i) the decision as to the need to construct the project;

(ii) the consideration of alternatives; and

(iii) the selection of a specific location.

(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

(B) the fair market value of donated land shall be established as of the earlier of—

(i) the date on which the donation becomes effective; or

(ii) the date on which equitable title to the land vests in the State.

(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply to donations made by an agency of the Federal Government.

(4) LIMITATION ON AMOUNT OF CREDIT.—The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project.

(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services, or a local government from offering to donate funds, materials, or services performed by local government employees, in connection with a project eligible for assistance under this title. In the case of such a project with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the project by the State transportation department shall be credited against the State share.

(d) PROCEDURES.—A gift or donation in accordance with subsection (a) may be made at any time during the development of a project. Any document executed as part of such donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 shall clearly indicate that—

(1) all alternatives to a proposed alignment will be studied and considered pursuant to such Act;

(2) acquisition of property under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

(3) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings, if required, and completion of the environmental document.

(Added Pub. L. 93–87, title I, § 145(a), Aug. 13, 1973, 87 Stat. 273; amended Pub. L. 93–643, § 112, Jan. 4, 1975, 88 Stat. 2285; Pub. L. 100–17, title I, § 146(a), Apr. 2, 1987, 101 Stat. 179; Pub. L. 104–59, title III, § 322, Nov. 28, 1995, 109 Stat. 591; Pub. L. 105–178, title I, §§ 1212(a)(2)(A)(i), 1301(b)–(d)(1), June 9, 1998, 112 Stat. 193, 225, 226; Pub. L. 109–59, title I, § 1902, Aug. 10, 2005, 119 Stat. 1464.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2005—Subsec. (c). Pub. L. 109–59, § 1902(1), inserted '', or a local government from offering to donate funds, materials, or services performed by local government employees,'' before ''in connection with a project''.

Subsec. (e). Pub. L. 109–59, § 1902(2), struck out heading and text of subsec. (e). Text read as follows: ''A contribution by a unit of local government of real property, funds, or material in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, or material.''

1998—Pub. L. 105–178, § 1301(d)(1), substituted ''Donations and credits'' for ''Donations'' in section catchline.

Subsec. (b). Pub. L. 105–178, § 1301(b)(1), substituted ''Acquired'' for ''Donated'' in heading.

Subsec. (b)(1), (2). Pub. L. 105–178, § 1301(b)(2), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

''(1) GENERAL RULE.—Notwithstanding any provision of this title, the State matching share for a project with respect to which Federal assistance is provided out of the Highway Trust Fund (other than the Mass Transit Account) may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the date of the enactment of this subsection.

''(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of the donated land shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier.''

Subsec. (b)(3). Pub. L. 105–178, § 1301(b)(3), substituted ''agency of the Federal Government'' for ''agency of a Federal, State, or local government''.

Subsec. (b)(4). Pub. L. 105–178, § 1301(b)(4), struck out ''to which the donation is applied'' before period at end.

Subsec. (c). Pub. L. 105–178, § 1212(a)(2)(A)(i), substituted ''State transportation department'' for ''State highway department''.

Subsec. (e). Pub. L. 105–178, § 1301(c), added subsec. (e).

1995—Subsecs. (c), (d). Pub. L. 104–59 added subsec. (c) and redesignated former subsec. (c) as (d).

1987—Pub. L. 100–17 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

1975—Pub. L. 93–643 substituted ''after he has been fully informed of his right to receive just compensation for the acquisition of his property'' for ''after he has been tendered the full amount of the estimated just compensation as established by an approved appraisal of the fair market value of the subject real property''.

§ 324. Prohibition of discrimination on the basis of sex

No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

(Added Pub. L. 93–87, title I, § 162(a), Aug. 13, 1973, 87 Stat. 280.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in text, is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000d of Title 42 and Tables.

§ 325. State assumption of responsibilities for certain programs and projects

(a) ASSUMPTION OF SECRETARY'S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

(1) PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of the SAFETEA–LU, the Secretary may allow up to 5 States to participate in the pilot program.

(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary's responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under any Federal law as such requirements apply to the following projects:

(A) Projects funded under section 104(h).

(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).[1]

(b) AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned under subsection (a)(2) and the terms and conditions under which the assignment is being made.

(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 49 that authorize the State to carry out the responsibilities being assumed.

(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an initial period of no more than 3 years and may be renewed by mutual agreement on a periodic basis for periods of not more than 3 years.

(4) COMPLIANCE.—

(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by the State with the memorandum of understanding.

(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

(5) SOLE RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) with respect to a Federal law shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

(6) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.

(c) SELECTION OF STATES FOR PILOT PROGRAM.—

(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

(A) a description of the projects or classes of projects for which the State seeks to assume responsibilities under subsection (a)(2); and

(B) a certification that the State has the capability to assume such responsibilities.

(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

(A) publish notice in the Federal Register of the Secretary's intent to allow the State to participate in the program, including a copy of the State's application to the Secretary and the terms of the proposed agreement with the State; and

(B) provide an opportunity for public comment.

(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibilities under the program only if—

(A) the requirements under paragraph (2) have been met; and

(B) the Secretary determines that the State has the capability to assume the responsibilities.

(4) OTHER FEDERAL AGENCY VIEWS.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to con-